

V. REMARKS

Claims 2, 3, 4/2, 4/3, 5, 6/2 and 6/3 are rejected under 35 U.S.C. 101. The rejection is respectfully traversed.

It is respectfully submitted that claims 4/2, 4/3, 5, 6/2 and 6/3 are directed to method for building the overhead infrastructure. As a result, these claims are directed to a single method which is permitted under 35 U.S.C. 101.

Claims 2 and 3 are canceled and therefore the rejection as applied thereto is now moot.

Withdrawal of the rejection is respectfully requested.

Claims 2, 3, 4/2, 4/3, 5, 6/2 and 6/3 are rejected under 35 U.S.C. 112, first paragraph.

One skilled in the art, armed with the present specification, would be able to "provide for rent or sale with a fee according to a number and weight of the overhead lines", because the number and the weight of the overhead lines are limited by the capacity of the overhead cable way so that the fee simply calculated from a total amount of cost and profit in the business divided by the number of or weight of the overhead lines.

Also, one skilled in the art, armed with the present specification, would be able to "set a size of the overhead cableway based on the estimated demand", because the overhead cable way maybe simply designed to have a size in which an estimated number of the overhead lines are geometrically fitted.

Claims 2 and 3 are canceled and therefore the rejection as applied thereto is now moot.

For the reasons set forth above, withdrawal of the rejection is respectfully requested.

Claims 2, 3, 4/2, 4/3, 5, 6/2 and 6/3 are rejected under 35 U.S.C. 112, second paragraph.

It is respectfully submitted that a person of ordinary skill any art can readily understand that claims with reference to the specification. For example, claim 4 includes the term "business conductors". It can be clearly seen from considering the disclosure of the specification that "business conductors" mean individuals" or natural persons" or enterprises.

Claims 2 and 3 are canceled and therefore the rejection as applied thereto is now moot.

For the reasons set forth above, withdrawal of the rejection is respectfully requested.

Claims 2, 3, 4/2, 4/3, 5, 6/2 and 6/3 are rejected under 35 U.S.C. 103(a) as unpatentable over Chikiri et al. (U.S. Patent No. 5,727,777) in view of Kuenzi (U.S. Patent No. 2,155,053).

Claim 4 is directed to a method for building the overhead infrastructure that includes a step of drawing a tensile line between utility poles, a step of putting around the tensile line a plastically deformable coil having a metal wire formed in a spiral shape and synthetic resin coated on a surface of the metal wire, a step of elongating the coil until its plastic deformation so as to form a basic construction with a series of overhead cableway capable of holding a plurality of overhead lines inside the spiral of the coil, and a step of extending an overhead line in an empty space of the overhead cableway on demand. Claim 4 recites that a plurality of overhead lines, respectively managed by each of a plurality of business conductors, are accommodated in the overhead cableway. Claim 4 recites that a plurality of overhead lines, respectively managed by each of a plurality of business conductors, are accommodated in the overhead cableway, and an administrator provides the business conductors with rights for using the overhead cableway for rent or for sale with a fee according to a number and weight of the overhead lines managed by each of the business conductors. Claim 4 further recites for the installation of the basic construction, tensile strength of the tensile line is set based on the maximum load estimated from an amount of the overhead lines possibly inserted in the overhead cableway.

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claim 4. Thus, it is respectfully submitted that one of ordinary skill in the art would not be motivated to combine the features of the applied art because such combination would not result in the claimed invention. As a result, it is respectfully submitted that claim 4 is allowable over the applied art.

Claims 5 and 6 depend from claim 4 and include all of the features of claim 4. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 4 is allowable as well as for the features they recite.

Claims 2 and 3 are canceled and therefore the rejection as applied thereto is now moot.

Withdrawal of the rejection is respectfully requested.

Claims 2, 3, 4/2, 4/3, 5, 6/2 and 6/3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over any of claims 1-8 of U.S. Patent No. 6,505,818 in view of Kuenzi. It is respectfully submitted that none of the claims in the 818 patent are directed to the methods now recited in claim 4. As a result, it is respectfully submitted that there cannot be the assertion of obviousness-type double patenting.

Withdrawal of the rejection is respectfully requested.

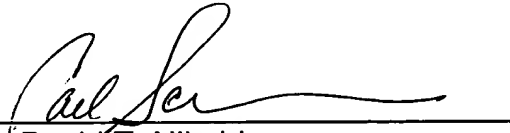
In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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By:



David T. Nikaido
Reg. No. 22,663

Carl Schaukowitch
Reg. No. 29,211

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosure(s): Petition for Extension of Time (two months)

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